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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/854,121

05/11/2001

Miroslav Trajkovic

US 010239

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24737

7590

03/29/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

SHERALI, ISHRAT I

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 03/29/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/854,121

Applicant(s)

TRAJKOVIC, MIROSLAV

Examiner

Sherali Ishrat

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### **Drawings**

1. Drawing are objected to under 37CFR 1.83(a). The drawings must show every feature of the invention specified in claims. Therefore, the steps of claimed method must be shown. Drawings does not illustrate any steps of the claims 1-20, such as features of claim 1, "determining a first histogram, determining a first vector corresponding to first histogram, the first histogram vector comprising elements that each correspond to a palette value of the plurality of palette values and comparing the first histogram vector to the second histogram vector". No new matter should be added.

### **Claims Objection**

2. Claims 1, 13 and 17 are objected to because lack of antecedent basis. Claims 1, 13 and 17 recites on line 10 recite "identifying values in a second dataset corresponding to the plurality of palette values". The plurality of palette values lack antecedent basis. Claims 1, 13 and 17 on line 10 should recite identifying values in a second dataset corresponding to a plurality of palette values". Proper correction is required.

### **Claim Rejections - 35 USC § 101**

3. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-20 are rejected under 35 U.S.C § 101 because of Non-Statutory process, independent claims 1, 13, and 17 recite "determining a first histogram corresponding to a distribution of values in a first data set, determining a plurality of a palette values corresponding to a specified number of different values in the first dataset, determining a first histogram vector, identifying values in a second dataset corresponding to the plurality of palette values, determining a second histogram vector corresponding to the values in the second data set and comparing the first histogram vector to the second histogram vector. This process consist solely of mathematical operations without practical application in the technological arts such as image processing for pattern matching of image data or image retrieval from database. Dependent claims 2-12, 14-16 and 18-20 are dependent on independent claims 1, 13 and 17 therefore they are also rejected. Furthermore dependent claims 2-12, 14-16 and 18-20 do not include practical application in the technological art either.

5. Claims 13-16 are rejected under 35 U.S.C § 101. Independent claim 13 recites "A computer program that is configured to effect the following operation when executed by a processing system". Claiming a computer program is non statutory. Claim should recites "A computer program embodied in a computer readable medium configured to effect the following operation when executed by a processing system". Claims 14-16 are dependent on claim 13 therefore they are rejected.

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## Communication

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherali Ishrat whose telephone number is 703-308-9589. The examiner can normally be reached on 8:00 AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau can be reached on 703-305-4706. The fax phone numbers for the organization where this application or proceeding is assigned is 703-892-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-4750.



Ishrat Sherali

Patent Examiner

Group Art Unit 2621

March 18, 2004



LEO BOUDREAU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600